JUL 13 2006 PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/596.791 Filing Date TRANSMITTAL June 23, 2006 First Named Inventor **FORM** KUTTLER, Marc Art Unit TBA **Examiner Name** TBA (to be used for all correspondence after initial filing) Attorney Docket Number 149459.00001 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please Identify **Terminal Disclaimer Extension of Time Request** below): PTO/SB/08A (1 page) Request for Refund **Express Abandonment Request** Cited References and International Search Report (5 references) CD, Number of CD(s) Information Disclosure Statement Postcard Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Powell Goldstein LLP Signature Printed name ason A. Bernstein Date Reg. No. 31,236 **CERTIFICATE OF TRANSMISSION/MAILING** I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature

LuAnn Miller Typed or printed name

Date 7-10-2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application of:

Kuttler, Marc

Confirmation No.: 1489

Appln. No.: 10/596,791

Group Art Unit: TBA

Filed:

June 23, 2006

Examiner: TBA

Title:

BIODEGRADABLE COATED IMPLANT WITH CONTROLLED Atty. Docket No. 149459.00001

DEGRADATION

Customer ID 25207

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The citation of information on the attached Form PTO/SB/08A and/or PTO/SB/08B Information Disclosure Statement by Applicant(s), is made pursuant to 37 CFR 1.56 and 1.97.

- X Pursuant to 37 C.F.R. 1.97(b), this Information Disclosure Statement is being filed:
 - Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d).
 - \boxtimes Within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application.
 - Before the mailing of a first Office action on the merits.
 - Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.
- Pursuant to 37 CFR 1.97(c), this Information Disclosure Statement is being filed after the period specified in 1.97(b), but before the mailing date of a final action under 37 CFR 1.113, a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application.
 - A statement under 37 CFR 1.97(e) is below, or
 - П Applicant(s) enclose the fee set forth in 37 CFR. 1.17(p)

Pursu	Pursuant to 37 CFR 1.97(d), Applicant(s) make the following certification:			
	Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.			
	No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.			
and				
	Applicant(s) enclose the fee set forth in 37 CFR 1.17(p).			
before	ant to 37 CFR 1.97(e), this Information Disclosure Statement is being filed on or e payment of the issue fee and is accompanied by the following statement pursuant CFR 1.97(e):			
	Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.			
	No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement			

□ Pursuant to M.P.E.P. Section 609C(1), this Information Disclosure Statement is being filed before the payment of an issue fee, but without the certification and fee set forth in 37 CRF 1.97(d). Applicants respectfully request that this Information Disclosure Statement be placed in the file of the instant application. Applicants also note that the references cited in this Information Disclosure Statement were submitted in the parent application to which this application claims priority.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayments to Deposit Account 50-1429. I have enclosed a duplicate of this sheet.

Respectfully submitted, POWELL GOLDSTEIN LLP

Jason A. Bernstein Reg. No. 31,236

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Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

Complete if Known			
Application Number	10/596,791		
Filing Date	June 23, 2006		
First Named Inventor	KUTTLER, Marc	-	
Art Unit	TBA		
Examiner Name	TBA		
Attorney Docket Number	149459 00001		

			U. S. PATENT D	OCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ^{2 (# known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	
		Country Code ³ "Number ⁴ "Kind Code ⁵ (if known)				T⁰
	Α	WO 97/11724	04-03-1997	Toermaelae Pertti		
	В	WO 02/069848 A2	09-12-2002	Athanasiou Kyriacos A		
	С	WO 2004/000379 A1	12-31-2003	Advanced Cardiovascular		
	D	WO 98/56312 A1	12-17-1998	Scimed Life Systems, Inc.		
•	Ε	WO 02/24247 A1	03-28-2002	Kensey Nash Corporation		

Examiner	 Date	
Signature	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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